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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,344 11/03/2003		11/03/2003	Andrew L. Cote SR.	1600/163	5277
2101	7590	06/03/2005		EXAMINER	
	•	NSTEIN LLP	SIRMONS, KEVIN C		
125 SUMMER STREET BOSTON, MA 02110-1618				ART UNIT	PAPER NUMBER
				3763	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

.•		Application No.	Applicant(s)				
		10/700,344	COTE ET AL.				
	Office Action Summary	Examiner	Art Unit				
		Kevin C. Sirmons	3763				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
THE - External after - If the - If NC - Failu	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. Insigns of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. It period for reply specified above is less than thirty (30) days, a reply of period for reply is specified above, the maximum statutory period we are to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	66(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day fill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status							
1)🛛	Responsive to communication(s) filed on 03 March 2005.						
2a)⊠	This action is FINAL. 2b) This action is non-final.						
3)] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposit	ion of Claims						
4) 🖂	4)⊠ Claim(s) <u>1-7,10-13,15-30 and 37-62</u> is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) 🖂	S)⊠ Claim(s) <u>1-7 and 10-12</u> is/are allowed.						
6)⊠	☑ Claim(s) <u>13,16-27,29,30,37,38,40-47,49-52 and 54-62</u> is/are rejected.						
•	☑ Claim(s) <u>15,28,39,48 and 53</u> is/are objected to.						
8)	Claim(s) are subject to restriction and/or	r election requirement.					
Applicat	ion Papers						
9)	The specification is objected to by the Examine	r.	•				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority (under 35 U.S.C. § 119		•				
12)	Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a))-(d) or (f).				
a) All b) Some * c) None of:							
	1. Certified copies of the priority documents	s have been received.					
	2. Certified copies of the priority documents	s have been received in Applicati	ion No				
	3. Copies of the certified copies of the prior		ed in this National Stage				
	application from the International Bureau						
* (See the attached detailed Office action for a list	of the centiled copies not receive	ea.				
Attachment(s)							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date							
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informat Patent Application (PTO-152) 6) Other:							

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 16, 17, 18-27, 29, 30, 37, 38, 40-47, 49-52 and 54-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Leason et al U.S. Pat. No. 5,360,413.

Leason discloses a housing defining a passageway, the passageway having an inlet and an outlet section (10); a plug member movably mounted within the passageway (24); and a substantially flexible, resilient gland member secured about at least a portion of the plug member (18), wherein the gland has a seal section (top portion of fig. 1); further wherein the inlet section of the housing has an exterior inlet face (fig. 1) the seal section being substantially aligned with the exterior inlet face when the valve is closes to provide a swabbable surface (fig. 1); as to claim 16, (fig. 7); as to claim 17, (24), at to claims 18-24 (fig. 3 and 7); as to claim 37, 38, 40-47,49-52 and 54-62, (see above rejections).

As to claim 25, a housing defining a passageway, the passageway having an inlet and an outlet section (10); a plug member movably mounted within the passageway (18); the plug member having a first and a second end (18) at least one of the first and second ends formed to substantially seal the passageway when in the

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closed mode; and a gland member dispose over at least one of the first and second ends of the plug (24); as to claims 26-27, 29 and 30, (figs. 3 and 7).

Allowable Subject Matter

Claims 1-7 and 10-12 are allowable over the prior art of record.

Claims 15, 28, 39, 48 and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-7, 10-13, 15-30 and 37-62 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period;

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then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin C. Sirmons whose telephone number is 571-272-4965. The examiner can normally be reached on Monday-Friday 6:30-4:00 ALT FRI.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Kevin C. Sirmons

Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner

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